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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,450	06/05/2001	Masaki Omata	030675-054	4359

7590 11/05/2004  
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EXAMINER

POLTORAK, PIOTR

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/873,450

Applicant(s)

OMATA, MASAKI

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) \*
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) \*  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-8 have been examined.

***Priority***

2. Foreign priority has been claimed in this application.
3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 07/11/2000.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The metes and bounds of claims 1 and 2 are not well understood. The claims' limitations are addressed towards systems but the limitations are in narrative form reciting steps of operations. For example, claim 2 on pg. 19, lines 6-16 recites:

*"a onetime identification information managing means which generates a onetime identification information upon receipt of a code-format user identification information from said communication network, and records, in said user authentication database in correlation with said user identification information, a disallowed state of a log-in designating said onetime identification information as the password".*

In this example it is not clear if the limitations are drawn to the steps performed by the onetime identification information managing means or whether limitations suggest that the system should have means (be capable) of performing these steps.

6. Claims 1-3 and 5 recite voice format and code format. The clear definition and distinction between these two formats is not well understood. For example, it is not clear whether the voice format refers to the analog signal or simply to the digital data that is recognized as voice data.

In addition the application is not consistent in presenting these terms. For example, claim 1 uses "code format" and "voice format" (pg. 18 lines 17 and 20 respectively) notation but claim 2 uses the same terms with "-" in between two words (*e.g. pg. 19 lines 8 and 19*).

7. Claims 1-3 state limitation of using a telephone network for voice format information transfer and data communication network for "code format" information. The imposed limitation is not well understood since there is little distinction between these two means of computerized devices communication. Telephone lines are used for data communication and data communication is used for voice communication (*see Marcus Goncalves, Voice Over IP Networks, 1998, ISBN: 0072129220, Preface, for example*).

For initial examination the examiner considers these two communication networks as being equivalent.

8. Claim's 2 "a device with a voice input function" (pg. 18 line 24) is not well understood. It is not clear whether the limitation refers to a program function or

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simply to the ability to intercept voice output. For initial examination purposes the examiner considers the statement to be equivalent to a "device with the ability to receive a voice input".

9. Claim's 2 "an identification information *belonging* to said individual communication terminal device or to the exclusive user of said individual communication terminal device" (pg. 20 lines 1-3) is not well understood. The examiner considers the term "belonging" as being equivalent to "identifying".
10. Claim's 2 "... transmitting means for receiving a user identification information input by said user's voice and transmitting said audibly input information ..." (pg. 20 lines 5-6) is not well understood.  
  
For initial examination purposes the examiner considers that the statement means "... transmitting means for receiving a user identification information input *of* said user's voice and transmitting said audible input information.
11. Claim's 2 "said individual communication terminal device" (pg. 20 lines 1-2) lacks antecedent basis. The examiner treats the statement as "said communication terminal device".
12. Claim's 2 "the exclusive user" (pg. 20 line 2) lacks antecedent basis. It is also not clear whether the "*exclusive* user" term refers to a user which can be identified among others, whether it is a user who uses the device by himself at the time of the transaction or whether it is the only user who is expected to use the device (ever).
13. Claim's 2 recitation:

*" ... and records, in said user authentication database in correlation with said user identification information, a disallowed state of a log-in designating said onetime identification information as the password" (pg. 19 line 12-15).*

The limitation is not well understood since it is not clear what the significance of the onetime identification information designated as the password in relation to a disallowed status recorded in the user authentication database is. In other words it is not clear whether designating the onetime identification information as the password is an additional limitation or whether it further limits the disallowed status recorded in the user authentication database.

14. Claim's 8 *".. a cellular phone provided with an Internet function"* is not clear. The examiner considers the statement as "a cellular phone with access to the Internet". While clarifying the statement the word "function" should be changed unless the statement refers to program code.

15. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by *Kanevsky et al. (U.S. Patent No. 5953700)*.

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17. As per claim 1 *Kanevsky et al.* teach a user authentication performed by collating voiceprint information identified by searching in said user authentication database for voiceprint information corresponding to user identification in code format received via a data communication network from said communication terminal device with a voice input function, with a user identification information in voice format received via a telephone network from the communication terminal device (*col. 8 lines 27-40 and col. 7 line 67- col. 8 line 4* ). Storing user identification information and voiceprint information in a user authentication database while correlating the two pieces of information, said voiceprint information acquired when a user pronounces their user identification information is inherent.
18. As per claim 7 *Kanevsky et al.* teach the communication terminal device is a cellular phone provided with an Internet function (*col. 7 lines 13-19 and col. 6 lines 60-64 and Fig. 3*)

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kong et al.* (U.S. Patent No. 6496800) in view of Windows NT security model as evidenced by *Carter* (Alan R. Carter, "Windows NT 4.0 MCSE Study Guide", 1997,

*ISBN: 0764530879) and Handfield et al. (L. Hadfield, D. Hatter and D. Bixler, "Windows NT server 4 security handbook", 1997, ISBN: 078971213-x).*

20. As per claim 2 *Kong et al.* teach a communication terminal device with a voice input function (*voice input unit, col. 5 line 44*) capable of logging into a system which may only be accessed after successful user authentication based on a user identification information uniquely identifying each user and a password corresponding to the user identification information (*col. 5 lines 7-29 and 43-45*).

Also, *Kong et al.* teach that the communication terminal device transmits to said onetime identification information managing means a code-format or a voice-format user identification information (*a user ID obtained via a keypad or voice input unit col. 5 line 44*). The identification information belonging to said individual communication terminal device or to the exclusive user of said individual communication terminal device is implicit. The above reads on a code-format user identification information transmitting means included in the communication terminal device.

21. *Kong et al.* teach a user authentication database for storing user identification information and voiceprint (*col. 6 lines 33-54 and col. 5 lines 7-15*).

User identification information and voiceprint correlation is implicit as col. 5 lines 7-15 teach that the invention is applicable to a credit card inquiry service in which security inspection of users is based on their voice.



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Acquiring the voiceprint information when a user pronounces their user identification information is implicit as col. 5 lines 43-45 teach that user's ID provided through voice is used to authentication procedure.

22. *Kong et al.* teach a onetime identification information managing means (*random digit generator*) which generates a onetime identification information (*random length unit digit string*) upon receipt of a code-format (*user ID input through a keypad input unit*) user identification information from the communication terminal and transmits said generated onetime identification information (*designated as a password*) back to the communication terminal device (*col. 5 line 43- col. 6 line 1-24*).

Transmitting the generated onetime identification information back to said communication terminal device via the data communication network is implicit as col. 1 lines 20-22, col. 5 lines 7-15 and col. 1 lines 37-43 show that the invention is addressed toward commerce utilizing a telephone network and the internet.

23. *Kong et al.* teach a user authentication means which, upon receipt of voice-format user identification information from said communication terminal device (*col. 5 lines 43-45*). Conducting voiceprint authentication using the voice-format user identification information by referring to the user authentication database is implicit as is using a telephone network (as col. 1 lines 20-22, col. 5 lines 7-15 and col. 1 lines 37-43 show that the invention is addressed toward commerce utilizing a telephone network and the internet).

24. *Kong et al.* teach that the verification system is applied to security inspection service for access to particular sites (*col. 5 lines 7-14*) and thus they implicitly teach an

automatically logging into said system (after authentication) using said onetime identification information received from the onetime identification information managing means (*Fig. 3A*).

25. *Kong et al.* do not explicitly teach recording in the user authentication database in correlation with the user identification information a disallowed state of a log-in.

26. *Carter* implicitly teaches recording in the user authentication database in correlation with the user identification information a disallowed state of a log-in (*creating a user account: User Must Change Password at Next Logon default option, pg. 262 and 263*).

27. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to record in the user authentication database in correlation with the user identification information a disallowed state of a log-in as taught by *Carter*. One of ordinary skill in the art would have been motivated to perform such a modification in order to insure security by not allowing unauthorized user access the system without being authenticated as well as allowing administrators to monitor currently logged on users.

28. *Handfield et al.* implicitly teach recording in the user authentication database in correlation with the user identification information a disallowed state of a log-in and deleting means for upon completion of a user log-in from said communication terminal device, automatically deleting the corresponding onetime identification information from said user authentication (*pg. 168 § 2*).

29. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to record in the user authentication database in correlation with the user identification information a disallowed state of a log-in and deleting means for upon completion of a user log-in from said communication terminal device, automatically deleting the corresponding onetime identification information from said user authentication as taught by *Handfield et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to assure system security as well as allowing administrators to monitor currently logged on users.
30. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kong et al.* (U.S. Patent No. 6496800) in view of *Hampton et al.* (U.S. Patent No. 5465290).
31. *Kong et al.* in view of Carter and Handfield et al. teach system as discussed above.
32. *Kong et al.* in view of Carter and Handfield et al. do not explicitly teach a user authenticating means including voice recognizer for executing voice recognition with respect to said voice-format user identification information received from the communication terminal.
33. *Hampton et al.* teach authenticating means including voice recognizer for executing voice recognition with respect to said voice-format user identification information received from the communication terminal (col. 5 line 6- col. 6 line 25 and col.1).
34. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement voice recognizer for executing voice recognition with respect to the voice-format user identification information received from the communication terminal in the authenticating means as taught by *Hampton et al.* One of ordinary

skill in the art would have been motivated to perform such a modification in order to provide better control over the authentication process and higher level of security.

The limitation of user authenticating means including a voiceprint authenticator searching in the user authentication database for voiceprint information corresponding to the user identification is implicit, since authentication of the user is done against his/her voiceprint.

35. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kong et al.* (U.S. Patent No. 6496800) in view of Windows NT security model as evidenced by *Carter* (Alan R. Carter, "Windows NT 4.0 MCSE Study Guide", 1997, ISBN: 0764530879) and *Handfield et al.* (L. Hadfield, D. Hatter and D. Bixler, "Windows NT server 4 security handbook", 1997, ISBN: 078971213-x) and in further of *Klassen* (U.S. Patent No. 6216121).
36. *Kong et al.* in view of *Carter* and *Handfield et al.* teach system as discussed above.
37. *Kong et al.* in view of *Carter* and *Handfield et al.* do not teach code-format user identification information transmitting means displaying on the communication terminal device, a log-in display screen received from the system via the data communication network, and transmitting to the onetime identification information managing means, a user name input through said log-in display screen.
38. *Klassen* teaches transmitting means displaying on the communication terminal device a log-in display screen prompting a user for his/her name username (*Fig. 5 and col. 5 lines 3-4*) which precedes the next communication terminal/server transaction (*col. 10 lines 6-14*).

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39. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to configure the code-format user identification information transmitting means to display on the communication terminal device a log-in display screen as taught by *Klassen*. One of ordinary skill in the art would have been motivated to perform such a modification in order improve usability of the device by providing easily recognizable authentication gathering means to the user.
40. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kong et al.* (U.S. Patent No. 6496800) in view of Windows NT security model as evidenced by *Carter* (Alan R. Carter, "Windows NT 4.0 MCSE Study Guide", 1997, ISBN: 0764530879) and *Handfield et al.* (L. Hadfield, D. Hatter and D. Bixler, "Windows NT server 4 security handbook", 1997, ISBN: 078971213-x) and in further view of *Kanevsky et al* (U.S. Patent No. 5953700).
41. *Kong et al.* in view of *Carter* and *Handfield et al.* teach a system as discussed above.
42. *Kong et al.* in view of *Carter* and *Handfield et al.* do not teach the audible input by said user following an audio guidance provided by said user authentication means via said telephone network.
43. *Kanevsky et al.* teach an audio guidance (pg. 8 lines 29-31).
44. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide an audio guidance (as taught by *Kanevsky*) by said user authentication means via said telephone network followed by the audible input by

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said user. One of ordinary skill in the art would have been motivated to perform such a modification for user convenience (*pg. 1 lines 36-45*).

45. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kong et al.* (U.S. Patent No. 6496800) in view of Windows NT security model as evidenced by *Carter* (Alan R. Carter, "Windows NT 4.0 MCSE Study Guide", 1997, ISBN: 0764530879) and *Handfield et al.* (L. Hadfield, D. Hatter and D. Bixler, "Windows NT server 4 security handbook", 1997, ISBN: 078971213-x) and in further view of *Ala-Laurila* (U.S. Patent No. 6246871).
46. *Kong et al.* in view of *Carter* and *Handfield et al.* teach a system as discussed above.
47. *Kong et al.* in view of *Carter* and *Handfield et al.* do not teach onetime identification information deleting means deleting the corresponding onetime identification information from said user authentication database.
48. *Ala-Laurila* teaches deleting of a temporary password issued to a user (*col. 4 line 61 – col. 4 line 15*) which implicitly reads on deleting the corresponding onetime identification information from said user authentication database.
49. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate deleting means deleting the corresponding onetime identification information from said user authentication database as taught by *Ala-Laurila*. One of ordinary skill in the art would have been motivated to perform such a modification in order to make sure that onetime identification information could not be replayed.

50. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Kong et al.*

(*U.S. Patent No. 6496800*) in view of *O'Leary et al.* (*U.S. Patent No. 6609113*).

51. *Kong et al.* in view of Carter and Handfield et al. teach a system as discussed above.

52. *Kong et al.* in view of Carter and Handfield et al. do not teach terminal device being a cellular phone provided with an Internet function.

53. *O'Leary et al.* teach a cell phone used for electronic transactions (*col. 8 line 59- col. 9 line 8*).

54. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement a cell phone for as a terminal device as taught by *O'Leary et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to take advantage of the expanding Internet technologies (*col. 1 line 61- col. 2 line 4*).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Signature



10/28/04

Date

  
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